REMARKS

In the Office Action[1], the Examiner rejected claims 1-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,154,854 to Zweig et al. ("*Zweig*"). Claims 1-25 remain pending in this application.

I. Rejection of Claims 1-25 under 35 U.S.C. § 102(e) as being anticipated by *Zweig*

Applicant respectfully traverses the rejection of claims 1-25 under 35 U.S.C. § 102(e) as being anticipated by *Zweig*. In order to properly establish that *Zweig* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every feature of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *See* M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites a method comprising, for example:

> receiving a <u>first message</u> including a first integer;
> sending a <u>second message</u> including a second integer, the second
>   message sent in response to the first message;
> <u>receiving, in response to the second message, a third message</u>
>   <u>including data and a third integer, the third integer serving to</u>
>   <u>authenticate the third message</u>; and
> sending, in response to the third message, <u>a fourth message</u>
>   including a fourth integer, the fourth message serving to
>   acknowledge receipt of the third message.

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[1] The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

(Emphasis added). *Zweig* does not disclose or even suggest the above features of Applicant's claimed invention.

Zweig discloses a system in which "logic 202 monitors addresses within this information against contents of the address table 204. One reason is that only information from <u>authenticated and associated wireless units</u> (e.g., WUs 108 *c–d*) is accepted. Hence, if a <u>non-authenticated wireless unit transmits packets</u>, these packets will not be forwarded to the wired backbone network 102 of FIG. 1." (Emphasis added, col. 6, line 62-col. 7, line 4).

Thus, logic 202 of *Zweig* uses addresses included in the received information to determine whether information is being sent from an associated wireless unit. However, such a disclosure does not constitute "receiving, <u>in response to [a] second message, a third message</u> including data and a third integer, the third integer serving to <u>authenticate the third message</u>," (emphasis added) as recited in claim 1. Even assuming that the included address in *Zweig* could constitute the claimed "integer" and the authentication of a wireless unit could constitute "authenticat[ion] [of] the third message," neither of which Applicant concedes, *Zweig* does not disclose that the received information is a "<u>third</u> message," the included address is a "<u>third</u> integer," and "the <u>third</u> integer serves to authenticate the <u>third</u> message," as recited in claim 1. *Zweig* is simply silent with respect to the received information being "a third message including data and a third integer," as recited in claim 1.

Page 2 of the Final Office Action cites to col. 7, line 58-col. 8, line 4 of *Zweig* as allegedly disclosing the above-noted elements of claim 1, stating that:

> Zweig et al. discloses authenticated and associated wireless
> units (third and fourth integers) are accepted to receive

information from the wireless transceiver because the packets that contain the messages are associated with an access point. If the integers were non-authenticated wireless units, the packets containing the messages will not be forwarded to the wired backbone network.

However, this is not correct. Col. 7, line 58-col. 8, line 4 of *Zweig* disclose reducing RF interference in a wireless environment by adjusting a fragmentation threshold based on a transmission error factor. Neither the cited portion, nor any other portion, of *Zweig* discloses "receiving, in response to [a] second message, a third message including data and a third integer, the third integer serving to authenticate the third message," (emphasis added) as recited in claim 1.

Moreover, as was discussed on pages 12-13 of Applicant's Amendment, filed on July 1, 2008, claim 1 discloses a method of medium access control where a sequence is disclosed such that messages are exchanged in relation to other messages. Claim 1 teaches "a first message," "a second message," "a third message," and "a fourth message," such that the second message is sent "in response to the first message," the third message is received "in response to the second message," and the fourth message is sent "in response to the third message," (emphasis added). Further, the first to fourth messages of claim 1 include "a first integer," "a second integer," "a third integer," and "a fourth integer," respectively. As noted previously, *Zweig* simply does not disclose an exchange of messages in the sequence as recited in claim 1.

The September 15, 2008 Final Office Action has not addressed Applicant's remarks that the April 1, 2008 Office Action has not linked the second message with the third message as recited in claim 1. Page 4 of the Office Action and page 4 of the Final Office Action ("the Office Actions") rely on col. 13, lines 12-20 of *Zweig* as allegedly

corresponding to the claimed "first message" and "second message," the Office Actions

further cite col. 6, lines 62-67 as allegedly corresponding to the claimed "third

message," and cite col. 8, lines 29-36 as allegedly corresponding to the "fourth

message" without linking the second message with the third message or the third

message to the fourth message as recited in claim 1. Therefore, *Zweig* does not teach

or suggest the method of claim 1 including:

> receiving a <u>first message</u> including a first integer;
> sending a <u>second message</u> including a second integer, the second
>   message sent in response to the first message;
> <u>receiving, in response to the second message, a third message</u>
>   <u>including data and a third integer, the third integer serving to</u>
>   <u>authenticate the third message</u>; and
> sending, in response to the third message, <u>a fourth message</u>
>   including a fourth integer, the fourth message serving to
>   acknowledge receipt of the third message. (Emphasis added).

Accordingly, *Zweig* cannot anticipate claim 1. Thus, claim 1 is allowable for at

least this reason. Claims 2-12 are also allowable at least due to their dependence from

claim 1.

Independent claims 15, 16, and 24, while of different scope, recite features

similar to those of claim 1 and are thus allowable over *Zweig* for at least reasons similar

to those discussed above in regard to claim 1. Claims 17-22 are also allowable at least

due to their dependence from claim 16.

Regarding independent claims 13, 14, 23, and 25, the Examiner cites to column

13, lines 5-23 of *Zweig* for allegedly teaching "receiving, in response to the clear to send

message, a data message <u>including the second integer</u>, the second integer serving to

<u>authenticate the data message</u>," as recited in claims 13, 14, 23, and 25. Final Office

Action, page 3. However, this is not correct. *Zweig* discloses that "[i]f the logic circuit

604 receives the CTS packet from the associated AP within the pre-determined time interval, then the logic circuit 604 transmits the corresponding data packet during the reserved time slot following the receipt of the CTS packet," (column 13, lines 16-20). Such a disclosure does not constitute "the second integer serving to authenticate the data message," as recited in claims 13, 12, 23, and 25. Neither the cited portion of *Zweig* nor any other portion of *Zweig* discloses or even suggests "receiving, in response to the clear to send message, a data message including the second integer, the second integer serving to authenticate the data message," (emphasis added) as recited in claims 13, 14, 23, and 25.

Moreover, *Zweig* does not teach or suggest the sequence of messages disclosed in claims 13, 14, 23, and 25, where the claimed clear to send message is sent "in response to the received request to send message," the claimed data message including the second integer is received "in response to the clear to send message," and the claimed acknowledgment message is sent "in response to clear to the received data message." Therefore, *Zweig* cannot anticipate claims 13, 14, 23, and 25, and the claims are allowable.

Accordingly, for at least the above-noted reasons, withdrawal of the 35 U.S.C. § 103(a) rejection is respectfully requested.

II. The Finality of the Office Action is Improper

The finality of the Office Action is improper because, as noted above, the Examiner did not address Applicant's reasoning included on pages 12 and 13 of the Amendment ("Reply") filed July 1, 2008. Applicant had asserted that *Zweig* does not teach or suggest "a first message," "a second message," "receiving, in response to the

second message, a third message," and then authenticating the "third message," as recited in claim 1, because the Examiner had allegedly cited col. 13, lines 12-20 of *Zweig* and col. 6, lines 62-67 without linking the second message with the third message as recited in claim 1. See Amendment, pages 12 and 13.

The M.P.E.P. § 707.07(f) states that:

> [i]n order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner <u>must</u> provide clear explanations of all actions taken by the examiner during prosecution of an application.
> . . . Where the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant's argument and <u>answer the substance of it</u>. (Emphasis added).

The "Response to Arguments" section of the Final Office Action does not mention Applicant's reasoning. See Final Office Action, page 2. Similarly, page 4 of the Final Office Action also, does not address the substance of Applicant's traversal of the 35 U.S.C. § 102(e) rejection. Therefore, the Examiner has not addressed Applicant's remarks and has not "provide[d] clear explanations" as to why the Examiner considers claim 1 to be anticipated by *Zweig*. The Examiner has issued a Final Office Action without answering the substance of Applicant's arguments, as is required by the M.P.E.P. Thus, the Final Office Action fails to comply with M.P.E.P. § 707.07(f).

Accordingly, the finality of the Office Action is improper and Applicant respectfully requests the Examiner to withdraw the finality of the Office Action.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of all pending claims. As

demonstrated above, Applicant's claims are neither anticipated nor rendered obvious by the prior art references cited against this application.
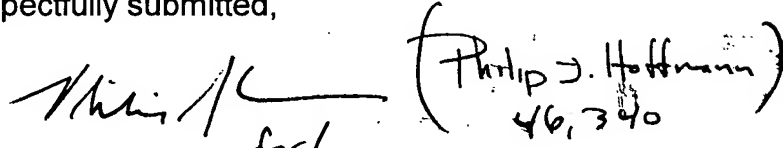
Moreover, as discussed above, the finality of the Office Action is improper at least because of the Final Office Action does not address the substance of Applicant's traversal of the 35 U.S.C. § 102(e) rejection. Accordingly, Applicant respectfully requests that the Examiner withdraw the finality of the Office Action, in the event the Examiner believes that the application is not in condition for allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

Dated: December 15, 2008   By:_____
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